

# **EXHIBIT “A”**

Barbara Kurzmann Palinkas

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF PENNSYLVANIA  
3 - - -  
4  
5 BARBARA KURZMANN : CIVIL ACTION  
6 Plaintiff :  
7 :  
8 V. :  
9 :  
10 HATBORO FEDERAL SAVINGS :  
11 Defendant : 2:21-cv-00766  
12  
13

14 - - -  
15 August 2, 2021  
16 - - -  
17

18 Oral deposition of BARBARA  
19 KURZMANN PALINKAS, held in the offices of  
20 Semanoff, Ormsby, Greenberg & Torchia, LLC, 2617  
21 Huntingdon Pike, Huntingdon Valley, Pennsylvania  
22 19006, commencing at or about 10:11 a.m. on the  
23 above date, before Kathleen A. Zerman, a  
24 Professional Reporter and Notary Public of the  
Commonwealth of Pennsylvania.

25 - - -  
26 GOLKOW LITIGATION SERVICES  
27 877.370.3377 ph/917.591.5672 fax  
28 deps@golkow.com

Barbara Kurzmann Palinkas

1 in preparation for this deposition?

2 A. I did not because I don't  
3 know where I put them when I moved. I  
4 would have, but I didn't.

5 Q. Okay. Did you discuss your  
6 deposition today with anyone?

7 A. I did not.

8 Q. Okay. Your last date of  
9 employment at Hatboro Federal Savings was  
10 August 17th of 2016?

11 A. Yes.

12 Q. And at that time, you were a  
13 branch manager in the Warminster branch;  
14 is that right?

15 A. Yes.

16 Q. And how long had you been a  
17 branch manager in the Warminster branch?

18 A. I went from assistant to  
19 branch manager. Probably maybe five  
20 years.

21 I really don't remember how  
22 many because I went up the chain from  
23 teller to assistant to manager.

24 Q. Okay. You don't know the

Barbara Kurzmann Palinkas

1 year that you became actually the branch  
2 manager when you were promoted from the  
3 assistant branch manager?

4 A. Maybe 2008 --

5 Q. Okay.

6 A. -- is a guess.

7 Q. Okay. The records show  
8 2007. Does that sound like it could be  
9 right?

10 A. I was close. Yeah.

11 Q. Okay. And at the time of  
12 your termination in August of 2016, who  
13 was your supervisor?

14 A. Suzanne Rush.

15 Q. And what was her position,  
16 if you recall?

17 A. She's like a branch  
18 coordinator of all the managers.

19 Q. Okay. And at that time did  
20 you have subordinates that reported to  
21 you as the branch manager?

22 A. I did.

23 Q. And can you describe, you  
24 know, how many or the types of people

Barbara Kurzmann Palinkas

1 and familiarize yourself with it. Your  
2 counsel will also get a copy of it, but  
3 if I'm going to point to a specific  
4 portion of the exhibit, I will do that.  
5 I'm going to do that now.

6 (Whereupon, Exhibit  
7 Kurzmann-1 was marked for  
8 identification.)

9 BY MR. GOLDBLUM:

10 Q. The document that the court  
11 reporter has just identified as  
12 Kurzmann-1 is a package of eight  
13 different pages that I have assembled and  
14 I just want to go through and confirm  
15 that these are your signatures and ask  
16 you a couple brief questions on these.

17 On the first page of this  
18 exhibit, it's a Hatboro Federal Savings  
19 At-Will Acknowledgment. Is that your  
20 signature?

21 A. Yes.

22 Q. Dated January 29th, 2014?

23 A. Uh-huh. Yes.

24 Q. And it says at the top,

Barbara Kurzmann Palinkas

1 either the association, referring to  
2 Hatboro Federal Savings, or the employee  
3 can terminate the employment relationship  
4 at any time, with or without cause, with  
5 or without notice. This is called  
6 Employment At Will.

7 Did you understand the  
8 concept of employment at will when you  
9 signed this?

10 A. I did.

11 Q. Okay. The second page is an  
12 employee certification of compliance with  
13 the code of conduct and ethics.

14 Is that your signature dated  
15 October 3rd, 2015?

16 A. Yes.

17 Q. And in paragraph one you  
18 certify that you read the code of conduct  
19 at least once during the past 12 months  
20 and you understood your responsibility to  
21 comply with it.

22 Is that accurate, had you  
23 read it?

24 A. Yes.

Barbara Kurzmann Palinkas

1 Q. The third page of this  
2 exhibit is a Whistleblower policy  
3 employee certification.

4 Is that your signature dated  
5 October 3rd, 2015?

6 A. Yes.

7 Q. And you certified that you  
8 had received, read and understood the  
9 Hatboro Federal Savings Bank  
10 Whistleblower policy; is that accurate?

11 A. Yes.

12 Q. The next page is a Hatboro  
13 Federal Savings staff training sign-in  
14 sheet from October 22nd of 2015 regarding  
15 the Code of Conduct and Whistleblower  
16 policy.

17 Is that your signature next  
18 to your name?

19 A. Yes.

20 Q. Okay. And did you, in fact,  
21 attend that training?

22 A. I believe I did. If I  
23 signed it, I was there.

24 Q. Okay.

Barbara Kurzmann Palinkas

1           A.     And I do remember her name  
2     now. I don't know why it went out of my  
3     head.

4           Q.     There you go.

5           A.     But it was Patty McBride.

6           Q.     Patty McBride?

7           A.     McBride.

8           Q.     And she was the other  
9     teller?

10          A.     She was the assistant and  
11     teller, slash.

12          Q.     Okay. So just to be clear,  
13     to go back to that for a moment.

14                 So you had -- you had  
15     mentioned that you had three subordinates  
16     at the time of your termination, Donna  
17     Zawadzki, Kathy Malonowski and Patty  
18     McBride; is that right?

19          A.     No. Donna was gone. It was  
20     just Kathy and Patty.

21          Q.     Okay. Back to Exhibit 1.

22                 The next page it says  
23     Hatboro Federal Savings Employee Handbook  
24     and it's an employee certification dated



Barbara Kurzmann Palinkas

1 December 3rd of 2015.

2 Is that your signature?

3 A. Yes.

4 Q. And in this certification,  
5 you acknowledge that you received, read  
6 and understand the Hatboro Federal  
7 Savings Employee Handbook and that you  
8 understand you're responsible for abiding  
9 by all the provisions of the handbook as  
10 well as the other policies and procedures  
11 of the bank.

12 Is that accurate, did you  
13 certify to that effect?

14 A. Yes.

15 Q. The next page is an  
16 acknowledgment that you had reviewed a  
17 copy of the Hatboro Federal Savings  
18 Employee's Personnel Manual.

19 Is that your signature?

20 A. Yes.

21 Q. Dated January 5th, 2016; is  
22 that right?

23 A. Maybe I'm on the wrong page.  
24 The acknowledgment, right?

Barbara Kurzmann Palinkas

1 A. I do.

2 Q. Okay. I'd like to go  
3 through it with you for a minute and talk  
4 about it then.

5 So what it says is, leave  
6 without pay is subject to approval by the  
7 president.

8 Who was the president at the  
9 time of your termination?

10 A. Linda Roehner.

11 Q. It next states, it is only  
12 granted in extraordinary circumstances.  
13 Please note that if an employee reaches a  
14 "no pay" status and takes "no pay" days  
15 off during the calendar year, without  
16 written permission of the President,  
17 disciplinary action up to and including  
18 immediate termination may be taken.

19 Did I read that accurately?

20 A. Yes.

21 Q. Okay. Does it say in here  
22 that if you take one additional day off,  
23 you'll be fired?

24 A. No.

Barbara Kurzmann Palinkas

1 Q. Okay. And were you -- what  
2 were you asking for?

3 A. I told her I may have to ask  
4 her for a leave of absence if my biopsy  
5 comes back where I need to have another  
6 surgery.

7 Q. Okay.

8 A. And her response was, you  
9 know what happens with no pay days.

10 Q. Okay. Hold on.

11 A. May I?

12 Q. No. You can wait for a  
13 question.

14 A. Okay.

15 Q. Okay.

16 (Whereupon, Exhibit  
17 Kurzmann-3 was marked for  
18 identification.)

19 BY MR. GOLDBLUM:

20 Q. So the next exhibit that has  
21 been labeled as Kurzmann-3 is the Charge  
22 of Discrimination that you filed with the  
23 Equal Employment Opportunity Commission.

24 Do you recognize this

Barbara Kurzmann Palinkas

1 A. Yes, it is.

2 Q. And did you read this  
3 Complaint at the time that you filed it  
4 with the Equal Employment Opportunity  
5 Commission?

6 A. I did.

7 Q. Okay. In the first  
8 paragraph below where it says Statement  
9 of Complaint, it says, and I'll read it  
10 in part, if an employee has used up all  
11 their paid days off, including vacation,  
12 sick and personal and they are  
13 temporarily disabled for medical reasons  
14 and cannot come to work, they are  
15 terminated; is that accurate?

16 A. Yes, I believe so.

17 Q. Can you name one person that  
18 was ever fired for that reason?

19 A. No.

20 Q. Okay. Then you write, that  
21 is, the policy as stated, quote, if an  
22 employee requires a non-paid day off,  
23 even one day, they are fired, end quote.

24 Is that what the policy says

Barbara Kurzmann Palinkas

1 fired.

2 MR. GOLDBLUM: Okay. Let's  
3 go off the record for a minute.

4 (Discussion held off the  
5 record.)

6 (Whereupon, Exhibit  
7 Kurzmann-4 was marked for  
8 identification.)

9 BY MR. GOLDBLUM:

10 Q. We're back on the record. I  
11 have -- I just handed you a document  
12 that's been labeled as Kurzmann-4. It's  
13 the Hatboro Federal Savings Employee  
14 Handbook effective January 1 of '16. So  
15 this was in place at the time of your  
16 termination.

17 At the bottom right, if you  
18 look at page 285, you'll see that it has  
19 the same Leave Without Pay policy that we  
20 were just discussing. Okay?

21 And if I could direct you to  
22 page 278, the section that has to do with  
23 the Americans with Disabilities Act.

24 When you were employed by

Barbara Kurzmann Palinkas

1 the bank, were you familiar with this  
2 provision of the handbook?

3 A. I probably read it, yes,  
4 because I don't sign anything that I  
5 don't read.

6 Q. Okay. And we just discussed  
7 before we took a break that you believe  
8 that cancer could be a disability, and  
9 what it states here under reasonable  
10 accommodation says, a reasonable  
11 accommodation is any change in the work  
12 environment to help a person with a  
13 disability apply for a job, perform the  
14 duties of a job, or enjoy the benefits  
15 and privileges of employment. Qualified  
16 applicants or employees who are disabled  
17 should request reasonable accommodation  
18 from their supervisor or the Human  
19 Resources Department in order to allow  
20 them to perform a particular job.

21 Did I read that right?

22 A. Uh-huh.

23 Q. Did you go to your  
24 supervisor Suzanne Rush and ask her for a

Barbara Kurzmann Palinkas

1 reasonable accommodation of additional  
2 time to deal with your cancer?

3 A. No, I did not because she  
4 wasn't the one to give the permission.  
5 It had to be the president.

6 Q. Did you go to human  
7 resources in order to allow them to grant  
8 you a reasonable accommodation?

9 A. No, I did not. I went right  
10 to the president.

11 Q. Okay. Does it say in this  
12 Americans with Disabilities Act provision  
13 that you need to go to the president?

14 A. No, but it does say on the  
15 sick leave time she's the only one that  
16 can grant you extra time off without pay.  
17 So --

18 Q. Okay.

19 A. And at the time I didn't  
20 think I would have to go through this. I  
21 thought she would grant me the time if,  
22 in fact, I needed it.

23 Q. Okay. So what you're saying  
24 is you didn't follow the ADA

Barbara Kurzmann Palinkas

1 accommodation policy as it's written in  
2 this handbook, right?

3 A. I did not.

4 Q. What made you think that  
5 your request for additional time off due  
6 to cancer did not fall within this  
7 Americans with Disabilities Act policy?

8 A. Because I was not going by  
9 that. I was going by what I had to do to  
10 ask permission from the president for the  
11 time off if, in fact, I needed the  
12 surgery and I got my answer. I didn't  
13 even think about going through that after  
14 the answer I got --

15 Q. Okay.

16 A. -- or I would have, believe  
17 me.

18 Q. After you spoke to Ms.  
19 Roehner, and we'll talk about that in a  
20 few minutes, did you then go to human  
21 resources and say I need a leave under  
22 the Americans with Disabilities Act?

23 A. I did not. I told her I  
24 wanted a meeting with the board because



Barbara Kurzmann Palinkas

1       only one that can give you that answer in  
2       the Leave of Absence policy, though, or  
3       the leave of --

4               Q.       I understand that.

5               Assuming you're under the  
6       Leave Without Pay policy and not the ADA  
7       policy, right?

8               A.       Right.

9               Q.       Okay. During your  
10       employment, had you ever exceeded the  
11       leave without -- the number of days of  
12       leave without pay?

13              A.       Some years. Some years when  
14       I needed the surgeries and I had  
15       permission from the former president.

16              Q.       Did you ever receive any  
17       discipline for doing so?

18              A.       No.

19              Q.       Okay. And you were never  
20       written up or terminated, right?

21              A.       I was written on an incident  
22       report where I still had nine vacation  
23       days left and I mentioned it to Mr.  
24       Douglass and he said I should not have

Barbara Kurzmann Palinkas

1       been written up.

2               Q.     Okay. You're jumping ahead  
3       on all my questions here. You're trying  
4       to tell the whole story --

5               A.     I apologize.

6               Q.     -- here, and you'll have all  
7       day to tell your side of the story, but I  
8       need you to be responsive to my questions  
9       if you can.

10              A.     Okay.

11              Q.     Would you agree that you  
12       exceeded your amount of paid time off in  
13       2010?

14              A.     2010. I believe I might  
15       have in '10.

16              Q.     Okay. How about 2011?

17              A.     I think I had a half a day  
18       one of those. I'd have to look at my  
19       notes because I have my evaluations and I  
20       can see what -- if I went over or if I  
21       carried over. I can't really remember  
22       off the top.

23              Q.     Okay. According to the  
24       bank's records, you had exceeded the

Barbara Kurzmann Palinkas

1           A.     I put it off because I was  
2     afraid I was losing my job if I took days  
3     off. I did not have the surgery.

4           Q.     Okay. What is the surgery  
5     in July 2016 that you thought you needed  
6     to have?

7           A.     Pre-cancer papilloma removed  
8     from a biopsy that came back and I was  
9     waiting on the results of that to see  
10    what they wanted to do.

11          Q.     Okay.

12          A.     And that's when I approached  
13    to -- just to get a feel of am I going to  
14    be able to take these days off to get the  
15    surgery or do I have to wait till  
16    January.

17          Q.     Well, in July of '16 when  
18    you went to Ms. Roehner, did you say that  
19    you needed to undergo surgery in August  
20    of '16?

21          A.     No. I said if I need to  
22    have surgery to have it removed.

23          Q.     Okay.

24          A.     I should have typed it

Barbara Kurzmann Palinkas

1 Q. He was in the room and it  
2 was on a speaker?

3 A. Yes.

4 Q. Okay. Do you keep a journal  
5 or diary or anything?

6 A. Not really.

7 Q. Nothing that would have a  
8 specific date of when you spoke to the  
9 doctor?

10 A. No. No, I don't keep  
11 anything like that.

12 Q. Okay.

13 A. When I'm done with it, I'm  
14 done with it.

15 Q. Okay. The second page of  
16 this exhibit discusses the results of the  
17 ultrasound performed on July the 27th of  
18 2016, and what it says is the -- under  
19 impression, about halfway down, in part,  
20 tissue sampling of the masses is  
21 recommended. These would probably be  
22 amenable to ultrasound-guided sampling.  
23 If these both cannot be sampled, it's  
24 suggested that the more accessible mass

Barbara Kurzmann Palinkas

1       these documents that says that they --  
2       strike that.

3                       So let me just understand  
4       what was happening. So you went in and  
5       got an ultrasound in July, right, and  
6       they determined that there were two areas  
7       of what they called --

8               A.     Papilloma.

9               Q.     Well, I won't use the  
10       medical term.

11                      There were two areas of  
12       palpable concern to the patient. So you  
13       were concerned about it, and then  
14       ultimately, you went in in January. You  
15       got an ultrasound and determined that  
16       these were benign, right?

17              A.     Correct, because I did not  
18       have the surgery.

19              Q.     Correct.

20                      And since that time, since  
21       January of '17 you have not had these  
22       removed, right?

23              A.     No. I'm going to have them  
24       now because they've changed. We've been

Barbara Kurzmann Palinkas

1 watching them.

2 Q. I understand, but it's been  
3 years.

4 Even when you got the  
5 ultrasound in January of '17, there was  
6 no need to take them out?

7 A. No. I didn't.

8 Q. So then --

9 A. We were just going to follow  
10 them just like the plan.

11 Q. Okay. So --

12 A. And we have been ever since.

13 Q. I understand that.

14 There's nothing in these  
15 documents that -- in any of your medical  
16 documents that state that Dr. Evers said  
17 you should have these taken out?

18 A. She did.

19 Q. I understand you're saying  
20 that.

21 A. Hundred percent positive.

22 Q. Why would she have said take  
23 them out before you even had the  
24 ultrasound -- or I'm sorry, before you

Barbara Kurzmann Palinkas

1 Q. Does it say anything about a  
2 medical accommodation in that section?

3 A. Not that I remember it.

4 Q. Okay. Well, we can look at  
5 it if you want, but there's an entire  
6 section on medical accommodations, right?

7 A. Right.

8 Q. And you just ignored that  
9 section?

10 A. Yes, because I was more  
11 worried about missing time and losing my  
12 job. I was more concerned on that other  
13 section.

14 Q. Okay. When you spoke to Dr.  
15 Evers, did you tell the doctor that you  
16 had no pay days or that you had no no pay  
17 days left?

18 A. I said to her can we do --  
19 can we watch it until January until I  
20 have new paid time off. I would be  
21 afraid I would get fired if I missed days  
22 without pay.

23 Q. Okay.

24 A. I worded it differently, but

Barbara Kurzmann Palinkas

1 A. Not that I remember.

2 Q. Well, you just said a minute  
3 ago you understood the procedure to be an  
4 outpatient and then you might need some  
5 time to recover?

6 A. Correct. It could be a  
7 week. It depends on if you have an  
8 infection. It depends on how you were  
9 feeling. It could be four days, two  
10 days. I have no prediction of it.

11 Q. Okay. So you didn't ask for  
12 any specific amount of time?

13 A. No, I did not.

14 Q. And you didn't even know if  
15 it was going to happen?

16 A. Correct. I was putting my  
17 ducks in a row in case.

18 Q. So you weren't formally  
19 requesting anything?

20 A. No, I didn't formally  
21 request it until I knew.

22 Q. Okay.

23 A. I was giving her a heads up  
24 in other words.



Barbara Kurzmann Palinkas

1 Q. Okay. Well, let's just talk  
2 about 2015, your last full year, for a  
3 minute. Okay?

4 A. Uh-huh.

5 Q. It's not a document. This  
6 is just something else.

7 A. Okay.

8 Q. So according to the policy,  
9 and we can look in the handbook, you were  
10 receiving -- you don't have to look  
11 yet -- you were receiving 15 days of paid  
12 time off, right?

13 Do you recall that to be  
14 correct?

15 A. Correct.

16 Q. Because you were there  
17 between 10 and 19 years, you get 15 days,  
18 right?

19 A. Uh-huh.

20 Q. And you also got ten paid  
21 holidays; is that right?

22 A. Uh-huh.

23 Q. So that's a total of 25  
24 days.

Barbara Kurzmann Palinkas

1 Now, comp time. What was  
2 the bank's policy on comp time?

3 A. Well, it changed.

4 Q. Well, in '15?

5 A. In '15, I believe you worked  
6 a Saturday and then you got a half a  
7 day --

8 Q. Correct.

9 A. -- off.

10 Q. So in 2015, you worked 23  
11 Saturdays, which means you got 23  
12 one-half days which is -- 23 half comp  
13 days which is 11 and a half days of comp,  
14 right?

15 A. Uh-huh.

16 Q. Does that sound accurate to  
17 you?

18 A. I'm not sure how many  
19 Saturdays.

20 Q. Well, the records say it was  
21 23. Does that sound like it could be  
22 right?

23 A. I don't know. I mean, I  
24 worked Saturdays. I don't know how many.

Barbara Kurzmann Palinkas

1 I couldn't even guess.

2 Q. Okay. And you also had a  
3 floating day, right?

4 You had a floating vacation  
5 day. Do you recall that?

6 A. I recall that.

7 Q. Okay. So you had 25 days  
8 off, plus 11 and a half, plus 11  
9 vacation, plus sick time, right?

10 How many days of sick time  
11 did you get?

12 A. Five days -- oh, no. That  
13 sick time was I think included in the 15  
14 days.

15 Q. Okay. Let's assume --

16 A. I think.

17 Q. I think -- let's assume  
18 that's right.

19 MR. GOLDBLUM: No?

20 BY MR. GOLDBLUM:

21 Q. Okay. Let's assume it's not  
22 right.

23 A. I'm not sure.

24 Q. Just so we're clear -- I

Barbara Kurzmann Palinkas

1 proven. It was time off I had approved  
2 by Suzanne Rush to extend the lunch to go  
3 to Fox Chase because it took a little  
4 longer.

5 Q. No, I get that.

6 My question is, why do you  
7 think the bank singled you out?

8 A. I think the bank singled me  
9 out because I kept questioning this  
10 policy about no pay time off.

11 Q. When is the first time you  
12 ever questioned that policy?

13 A. Years ago. It all started I  
14 think like '14 when Linda took over.

15 Q. You're telling me in 2014  
16 you questioned that policy, the paid time  
17 off policy?

18 A. When I had to ask for extra  
19 time off, I never had a problem with the  
20 former president.

21 Q. That's okay.

22 A. And then I started  
23 questioning it, yes.

24 Q. Okay. So let's take -- when

Barbara Kurzmann Palinkas

1 did Linda Roehner become president?

2 A. I believe '14.

3 Q. Okay. So you're saying in  
4 '14 you questioned the policy?

5 A. Yes.

6 Q. Okay.

7 A. Why --

8 Q. And were you -- were you  
9 disciplined in any way for questioning  
10 the policy?

11 A. Not at that time.

12 Q. Okay. So let me -- when is  
13 the first time you recall questioning the  
14 PTO policy with Linda Roehner?

15 MR. MANSOUR: Objection to  
16 form.

17 MR. GOLDBLUM: Sure.

18 BY MR. GOLDBLUM:

19 Q. Go ahead. You can answer.

20 You said you started in '14  
21 questioning the policy. What do you  
22 recall about the first time?

23 A. I recall that I was afraid  
24 of having a day off if I got sick and

Barbara Kurzmann Palinkas

1       losing my job. So I said, you know, why  
2       do we have to have days off and get -- be  
3       worried about getting sick or having  
4       surgery and getting fired.

5                       That's the way it was  
6       questioned. It wasn't like I was like  
7       questioning, oh, it says this. It was  
8       everything that came from them how I  
9       questioned, and I don't believe they  
10      liked that I was questioning them.

11               Q.     Okay. So -- okay.

12               A.     I don't remember exact  
13      words, if that's what you're looking for.

14               Q.     I'm trying to find out --  
15      you just said that you believe you were  
16      singled out for questioning these  
17      policies, so I want to try and find out  
18      when you began and how often you  
19      questioned these policies.

20                       You said you started in 2014  
21      questioning the policy. Was it in  
22      person, was it in writing?

23               A.     No. It wasn't --

24               Q.     That was a bad question.

Barbara Kurzmann Palinkas

1           A.     It wasn't in writing. It  
2     was verbally, yes, and it was -- it was  
3     informal where we -- I would go down once  
4     a week on a Friday and I would go in and  
5     talk to Linda and things would come up  
6     about that time off.

7           Q.     Okay.

8           A.     So --

9           Q.     And was Linda your mentor?

10          A.     My mentor?

11          Q.     Yeah.

12          A.     Maybe in 2012 --

13          Q.     Okay.

14          A.     -- '11, I don't know, '10.

15     I used to look up to her and learn from  
16     her.

17          Q.     Okay. And in 2014 she  
18     became the president of the bank?

19          A.     Correct.

20          Q.     Okay. And do you feel it's  
21     inappropriate for her as the president of  
22     the bank to speak to her employees about  
23     how much paid time off they've used and  
24     have left?

Barbara Kurzmann Palinkas

1 A. No.

2 Q. Okay. So you said 2014 you  
3 began to question this policy.

4 Did you ever put anything in  
5 writing about the policy that you recall,  
6 about your issues with the policy?

7 A. Not that I recall, no.

8 Q. Okay. Prior to meeting with  
9 Frank Jarrett that we'll talk about, did  
10 you ever go to the board about the  
11 policy?

12 A. No, but I did request a  
13 meeting with the board and --

14 Q. I know. We're going to get  
15 to that.

16 But prior to the termination  
17 date, you never went to the board about  
18 your issues with this policy, right?

19 A. No.

20 Q. Did you ever go to human  
21 resources?

22 A. No.

23 Q. And you never put it in  
24 writing to anyone?



Barbara Kurzmann Palinkas

1 A. No.

2 Q. Okay. I just want to be  
3 clear.

4 Are you aware that there's a  
5 policy that you have to take a mandatory  
6 one week off consecutively at the bank?

7 A. Yes.

8 Q. Okay. Do you know the  
9 reason for that policy?

10 A. No.

11 Q. Okay. Did you follow that  
12 policy?

13 A. Yes.

14 Q. Okay. So if you got an  
15 e-mail from Tina Heiser that said -- for  
16 example, you got an e-mail on July 22nd  
17 of 2016 that said, as of today, you're  
18 officially out of vacation and paid time  
19 off. You reached the no pay status.  
20 It's imperative I bring this to your  
21 attention, et cetera.

22 Would you consider that  
23 harassment?

24 A. No. Not that time, no.

Barbara Kurzmann Palinkas

1 leave of absence.

2 Q. Okay.

3 A. And you know what the  
4 response was.

5 Q. Right. But you didn't ask  
6 for a specific I need a leave of absence  
7 for a certain amount of time, did you?

8 A. No, I did not because I  
9 wasn't sure if I needed it, how long I  
10 needed it.

11 Q. Okay. Do you recall on  
12 August 12th receiving the conduct  
13 probation memo, that it was a memo and it  
14 had several pages and it listed issues  
15 that management had been having with you?

16 Do you recall that?

17 A. Yes, I recall that.

18 Q. How is it that you received  
19 it? Did someone hand it to you?

20 A. They called me in for a  
21 meeting with Suzanne Rush, Linda Roehner,  
22 John Douglass.

23 Q. Okay. So you were called in  
24 for a meeting with Linda Roehner, Suzanne

Barbara Kurzmann Palinkas

1       what?

2                   A.       And so I called Linda  
3       personally on my way back to the  
4       Warminster branch and I asked her what  
5       was going on, why was I having to be  
6       transferred, and her answer to me was,  
7       why don't you write a letter saying why  
8       I'm an asset to the bank and leave out  
9       that I want a meeting with the board of  
10      directors. Exact words. I remember it  
11      like yesterday. And I was like okay.

12                           I never wrote the letter. I  
13      got -- I went on Monday to my branch. I  
14      got an e-mail from John.

15                   Q.       Hold on.

16                   A.       I know. I'm going so fast.

17                   Q.       I want to take these one day  
18      at a time.

19                   A.       Okay. Go ahead.

20                   Q.       We're just talking about  
21      Friday, August 12th with the probation  
22      memo.

23                   A.       Okay. Go ahead.

24                   Q.       Was there anything else --

Barbara Kurzmann Palinkas

1       some of the things that you just said a  
2       moment ago there.

3                       Is this the memo that was  
4       handed to you on August the 12th?

5               A.     It looks like it.

6               Q.     Do you have any reason to  
7       suspect it's not?

8               A.     You did give me the wrong  
9       policy revised.

10              No, I think it is.

11             Q.     Is it the memo or is it not  
12       the memo?

13             A.     It looks like the memo.

14             Q.     There's handwriting on here  
15       that says, Barb took the original to  
16       review and then refused to sign.

17                     Is that right that you  
18       refused to sign it?

19             A.     I did. I did not believe  
20       any of it.

21             Q.     Okay. You did not believe  
22       any of it, meaning what?

23             A.     The extended lunch breaks,  
24       the out-of-the-office errands. Anything

Barbara Kurzmann Palinkas

1           A.     She told me that Mary was  
2     going out for surgery. Kim was going to  
3     be out trying to bring in business and I  
4     was the only one that could learn her  
5     desk to do it while Mary was out.

6           Q.     And you're saying she said  
7     that at the same meeting?

8           A.     She did.

9           Q.     Okay. So the memo itself  
10    says you were being placed on a 90-day  
11    conduct probationary period.

12                   In any event, you weren't  
13    being terminated, were you?

14           A.     Not at the time.

15           Q.     Okay. And you testified  
16    earlier that it was within the bank's  
17    purview to transfer an employee to a  
18    different branch, correct?

19           A.     Yes.

20           Q.     And that if they determined  
21    someone needed retraining, that was  
22    something that was within their right,  
23    right --

24           A.     Yes.

Barbara Kurzmann Palinkas

1 weeks before.

2 Q. Okay. But you don't know?

3 A. I don't know exactly, no.

4 Q. Could it have been longer?

5 A. I don't think it was too

6 much longer before that, but it was --

7 Q. Do you think it was in July?

8 The meeting was August 12th.

9 Do you think she spent two weeks?

10 A. It could have been about a

11 month before. It could have been.

12 Q. But you don't know the date?

13 A. I don't know the exact date.

14 Q. Okay. So what you said then

15 is after you left the meeting, you then

16 called Linda on your way back to the

17 Warrington branch; is that right?

18 A. To the Warminster branch.

19 Q. Pardon me. Thank you.

20 Excuse me. The Warminster branch.

21 You called her on the

22 telephone, right?

23 A. Yes.

24 Q. And your testimony,

Barbara Kurzmann Palinkas

1       although -- you said, you know, what's  
2       going on, but what did you say to her?

3               A.       We would talk just like --  
4       you know, I said exactly that. What's  
5       going on? Why are you transferring me?  
6       He's saying one thing. You're saying  
7       another. And her response was, why don't  
8       you write a letter of why you're an asset  
9       at the bank --

10              Q.       Okay.

11              A.       -- after 18 years and then  
12       leave -- leave out you want a meeting  
13       with the board.

14              Q.       Okay. What would be wrong  
15       with writing that letter and saying why  
16       you're an asset?

17              A.       I think everything's wrong  
18       with that after service of 18 years with  
19       the bank and mostly all good years except  
20       for the last few they're trying to  
21       couple.

22              Q.       Except for the last few  
23       years is a problem.

24              A.       No, not few. Couple.

Barbara Kurzmann Palinkas

1 spoke to him that weekend about it?

2 A. I'm not certain, but I would  
3 think I might have.

4 Q. Did you speak to any  
5 co-workers about it?

6 A. No, not that I recall. No,  
7 nobody.

8 Q. So the only person you may  
9 have spoken to between August 12th and  
10 the 15th is your fiance?

11 A. Correct.

12 Q. Okay. So then it's Monday,  
13 August 15th now. We get to Monday. And  
14 is it correct that you informed Suzanne  
15 Rush that you were not able to perform at  
16 the main office because it would have  
17 been too stressful?

18 A. Yes.

19 Q. Okay. And when did you  
20 inform her of that?

21 A. I'm not sure. It might have  
22 been Tuesday when I reported there.

23 Q. Okay.

24 A. I was only there one day



Barbara Kurzmann Palinkas

1 when they started to train me.

2 Q. Okay. So right now we're on  
3 Monday, the 15th. Did you have meeting  
4 with Linda Roehner and John Douglass on  
5 Monday, the 15th?

6 A. I don't believe so. I think  
7 that's when I got the e-mail from John  
8 saying to report on Tuesday. I don't  
9 recall a meeting Monday.

10 Q. Okay. So when do you  
11 believe your next meeting with Linda and  
12 Doug was?

13 A. After I talked to Mr.  
14 Jarrett, the day after. The next  
15 morning.

16 Q. Okay. So that would have  
17 been Tuesday, the 16th after you had  
18 reported to the Hatboro branch; is that  
19 right?

20 A. Wednesday, the 17th, I  
21 think.

22 Q. Okay.

23 A. Yeah.

24 Q. Just so we get the timeline

Barbara Kurzmann Palinkas

1       remember. It was not late if that's  
2       what...

3               Q.     No. I didn't know if it was  
4       the morning or the afternoon?

5               A.     Yeah, it was the morning.

6               Q.     Okay. So at opening time?

7               A.     Yes.

8               Q.     Okay. Are you aware that  
9       Suzanne Rush reported that you weren't  
10      performing tasks as asked?

11              A.     I was, and I was very  
12      shocked about that being the fact I was  
13      there one day and they didn't even train  
14      me yet on any of the stuff they started  
15      to train me on Mary's desk and then I was  
16      fired the next day. I didn't even have a  
17      chance to perform any duties there  
18      because I wasn't even trained yet.

19              Q.     Do you know what Suzanne  
20      believed you were not doing?

21              A.     That I do not know.

22              Q.     Okay.

23              A.     That surprised me.

24              Q.     Do you know what morning

Barbara Kurzmann Palinkas

1                   A.     Bucks County. I think  
2     that's what they were called at the time.  
3     I'm not...

4                   Q.     And did you work at Joe's  
5     Pizza?

6                   A.     No, I did not.

7                   Q.     You formerly worked there?

8                   A.     Long, long time ago.

9                   Q.     Okay.

10                  A.     Thirty years ago.

11                  Q.     So she was concerned about  
12     you possibly bad-mouthing the bank at the  
13     chamber and she said -- mentioned the  
14     chamber of commerce and Joe's Pizza?

15                  A.     I believe so, yes.

16                  Q.     And what did you say in  
17     response?

18                  A.     Why would I, because they're  
19     not the board of directors, but anybody  
20     can bad-mouth in any public place if they  
21     want to. I'm pretty sure that's what I  
22     said to her, that anybody could.

23                  Q.     When you say anyone can  
24     bad-mouth in any public place, what do

Barbara Kurzmann Palinkas

1 Q. Okay. You were obviously  
2 going through issues with breast cancer  
3 in and August of -- I'm sorry, in and  
4 around August of '16 when you were  
5 terminated, right, obviously? We've  
6 talked about that.

7 A. Correct.

8 Q. When did -- you don't know  
9 when that began?

10 A. It was not breast cancer.  
11 It was precancerous tumors.

12 Q. Okay. So at all times --  
13 forgive my lack of the terminology.

14 At all times you've been  
15 dealing with cancer in your breast area,  
16 you didn't have breast cancer. It was  
17 pre-cancerous?

18 A. Right. I was not diagnosed  
19 with breast cancer.

20 Q. Okay. I got you.

21 So you were not diagnosed  
22 with breast cancer, but you've been  
23 dealing with --

24 A. Many surgeries and

Barbara Kurzmann Palinkas

1 stressful.

2 Q. But you've been dealing with  
3 lumps in your breasts that have been  
4 removed or --

5 A. I had a couple removed.

6 Q. Okay. When did that begin?  
7 Like when was the first time you had  
8 lumps in your breasts that were actually  
9 removed?

10 A. I think it was 2012 when  
11 Joseph Tryon was president and I think  
12 that was the first time he gave me time  
13 to take off, extra time. I believe it  
14 was 2012.

15 Q. Okay. And since that time  
16 has it been pretty constant?

17 A. Yeah.

18 Q. So how many -- were there  
19 other times that you had to have lumps in  
20 your breasts removed?

21 A. Yeah. I've had two -- I  
22 believe two surgeries of them being  
23 removed and one surgery for  
24 reconstruction and then I had another one